Remarks:

Applicant's independent claims 1, 12, and 17 now stand rejected under 35 USC 103(a) in view of Souissi, et al (US 6,553,060).

Each of Applicant's claims 1, 12, and 17 has as a limitation of "transmitting only null packets when hopping to a channel identified as experiencing interference." Examiner notes in his rejections of these claims that "Souissi is silent with respect to transmission of null packets on channels experiencing interference," and cites no other reference teaching the transmission of null packets on channels experiencing interference. Rather, Examiner holds that since Souissi obviates the need for transmission of null packets and presumably provides a simpler technique for solving the same problem, that Applicant's invention is therefore obvious in view of Souissi.

Applicant respectfully holds that Examiner has not provided a proper *prima facie* case for obviousness, for the following reasons: All of the elements of the invention have not been found in the references. Specifically, there is no teaching to transmit null packets on channels experiencing interference. Moreover, there is no statutory, regulatory, or judicial basis for a rejection of any applicant's invention on the grounds of obviousness based on obviating a need for the invention.

Applicant respectfully traverses Examiner's holding that Souissi provides a simpler technique for solving the problem addressed by Applicant's invention. Although not so limited in its use, Applicant's invention provides a way of mitigating interference when a frequency-hopping system is required to visit all of the elements of a predetermined set of channels. Such a requirement may arise due to architectural mandates, for example as in the case of the Bluetooth protocol, or due to hardware limitations resulting from considerations of cost. In contrast to Applicant's invention, the technique proposed by Souissi cannot mitigate interference in such situations, as Souissi transmits only on a subset of the channels selected to be acceptably free of

interference, rather than on the entire set of channels. Consequently, the technique of Souissi cannot be used to solve an important problem addressed by Applicant's invention, wherein there is a requirement to transmit on all of the channels.

Claims 2-11 depend on claim 1. Applicant holds that since claim 1 is patentable, so then are claims 2-11. Claims 13-16 depend on claim 12. Applicant holds that since claim 12 is patentable, so then are claims 13-16. Claims 18-20 depend on claim 17. Applicant holds that since claim 17 is patentable, so then are claims 18-20.

Consequently, Applicant believes that claims 1- 20 are allowable for the reasons given above, and respectfully asks the Examiner to allow these claims. Applicant sincerely thanks Examiner, and requests that the application now pass to issue.

Respectfully submitted,

By: David R. Irvin

David R. Irvin
Reg. No. 42,682